

North Little Rock Board of Adjustment

Minutes January 29, 2009

The regular meeting of the North Little Rock Board of Adjustment was called to order by Chairman Carl Jackson at 1:32 P.M. in the Planning Office (Conference Room B).

Members Present

Debra Roberts
Tom Brown
Jimmy Phillips
Andy Hight
Carl Jackson, Chairman

Members Absent

None

Staff Present

Robert Voyles, Planning Director
Wade Dunlap, City Planner
B. J. Jones, Secretary

Others Present

Don Wood, NLR Code Enforcement
Shannon Kent, 901 No. Olive, NLR, AR
JoAnn Platt, 1308 W. 47th St, NLR, AR
Bob Bamburg, atty
Alderman Cary Gaines, 1323 W. 37th St., NLR, AR
Alderman Sam Baggett, 1020 W. 44th St., NLR, AR
Craig Betts, 20 Bridgeway Rd, NLR, AR
Mike Rankin, 7701 Bayou Rd, NLR, AR
J. B. Cross, 308 E. 8th St., LR, AR 72202
Greg Powell, 3513 Lakeshore Dr, NLR, AR
Alderwoman Debi Ross, 3521 Lakeshore Dr, NLR, AR
Beth White, 4021 Glenmere, NLR, AR
Sherrie Shollmier, 800 West B Ave, NLR, AR

Approval of Minutes

Ms. Roberts made the motion to approve the minutes of the December 18, 2008 meeting as submitted.

Mr. Phillips seconded the motion. There was no dissent.

Old Business

1. **BOA CASE # 1407** – Mr. Troy Laha – 901 N. Olive Street – Lot 7R Block 1, Capitol Service Addition – To allow variances of 8 ft from the required 30 ft. rear yard setback and 17 ft. from the required 30 ft. on the east side yard setback – Requesting an extension of approval time to obtain a permit.

Chairman Jackson stated the case number, the applicant's name and requested that the applicant come before the Board. He also asked for anyone else wanting to speak in this matter.

Wade Dunlap explained that Mr. Laha was not in attendance today, but had sent a representative, Ms. Shannon Kent.

Mr. Brown asked Ms. Kent how much time they are requesting or if ninety (90) days is enough.

Ms. Kent asked what the maximum time might be.

Mr. Voyles interjected that six months would be the maximum extension allowed.

Ms. Kent asked if that might be possible.

Mr. Brown formed a motion to allow a six month extension to the applicant.

Ms. Roberts seconded the motion and it passed with a unanimous vote.

2. **BOA CASE # 1415** – Mr. Elmer Platt, Jr. – 1308 W. 47th Street – Lot 2, Counts Addition – To allow a carport to remain within the side yard.

Chairman Jackson stated the case number, the applicant's name and requested that the applicant come before the Board. He also asked for anyone else wanting to speak in this matter.

Ms. Platt was sworn in by Chairman Jackson. She was accompanied by legal counsel, Bob Bamburg.

Mr. Bamburg wanted to clarify that though the Board's paperwork listed Ms.

Platt's son, Elmer, Jr., he is not the owner of the property.

Mr. Voyles replied that the Board was aware that her son had only been an agent for Ms. Platt.

Mr. Bamburg reminded the Board that Ms. Platt had been unable to attend the proceedings due to her confinement in the hospital at the time. He added that Ms. Platt had only been released from the hospital in the past couple of weeks. Mr. Bamburg presented paperwork from Ms. Platt's doctor and asked the Board to consider allowing her the covered parking due to her health issues. He added that none of the adjacent property owners had any objections to the existing carport and it had already been there for an extended period of time. Mr. Bamburg explained that the Platts had been confused by the proceedings and did not realize that each of the carports had been a separate case before this Board. He emphasized that their desire was to work with the City within the building codes and hoped to find a reasonable solution that works for all involved.

Chairman Jackson asked what variances would be necessary to allow the request.

Wade Dunlap referred to the site plan which maintains a five foot setback from the property line.

Mr. Voyles interjected that free standing carports are restricted to the rear yard. He referred to a previous hearing on the front yard carport which had been denied.

Mr. Voyles asked how long the carport in question had been at its present location.

Mr. Bamburg deferred to Ms. Platt who was unsure but guessed it had been installed sometime in the 70's.

Mr. Voyles referred to a statute of limitations in the Zoning Ordinance and recommended approval of the request considering there had been no complaints about the carport and it had been located at the present site for so long.

Mr. Brown asked if he was considering the carport to be "grandfathered in" and Mr. Voyles replied in the affirmative.

Mr. Brown asked Mr. Voyles to read the statute.

Mr. Voyles added that no permits had been secured to erect the carport.

Mr. Bamburg replied that a contractor had installed the carport and the Platts had expected that the contractor would secure the necessary permits.

Ms. Roberts asked if the carport had always been elevated on the concrete slab.

Ms. Platt acknowledged that the concrete had been there for twenty years.

Alderman Cary Gaines was in attendance on behalf of Ms. Platt and asked the Board to consider her request.

Alderman Sam Baggett was also in attendance on behalf of Ms. Platt and vouched for her credibility.

Ms. Roberts noted that she is sympathetic to the situation and considering the statute of limitations would not mind allowing the carport for the use of the Platts only. She formed a motion to grant the applicants request but limit the variance to current owners only.

Mr. Phillips seconded her motion and it passed unanimously.

New Business

- 1. BOA Case #1419** – Mr. Craig Betts - 20 Bridgeway Rd - Lot 1, Betts Commercial Addition - To allow an accessory structure in the front yard of the property in a C-2 zone.

Chairman Jackson stated the case number, the applicant's name and requested that the applicant come before the Board. He asked for any others interested in speaking in this matter and all were sworn in.

Mr. Voyles explained the location of the property and where the applicant wished to erect an accessory building.

Chairman Jackson asked what the zoning is for the property.

Mr. Voyles replied that the property is zoned C-2.

Mr. Betts explained that the request is due to break-ins and property loss incurred. He added that the location requested is the most level portion of the property and noted that the front of the property is debatable.

Chairman Jackson asked the applicant to state his hardship.

Wade Dunlap interjected that the topography is difficult. He noted that this location is above contours and agreed that there is room for speculation as to which part should be considered the front of the property.

Mr. Voyles added that during site plan review, the applicant had been asked to save trees. The current request would not require cutting trees; therefore he recommended approval of the request.

A neighbor in attendance, Mike Rankin, asked to speak. He noted that the neighbors had been assured that the property would be kept up and clean and objected that the applicant had not honored that agreement. He added that his adjacent property is zoned residential and he would be building homes there. He is concerned that the applicant's property is an eyesore.

Mr. Voyles acknowledged that the applicant had agreed to no outside storage during site plan review, but he also acknowledged that the requested accessory building could be a solution to store and hide any accumulated materials.

Mr. Phillips asked what kind of business was located on the property.

Mr. Betts replied that he is in real estate.

Mr. Brown noted that it appeared work had already started and asked Mr. Betts if he had obtained a permit.

Mr. Betts admitted he had not.

Chairman Jackson asked Mr. Betts if he was willing to do additional landscaping.

Mr. Voyles added that a full buffer would be needed.

Mr. Betts admitted that some trees had died.

Mr. Voyles explained that the buffer needed to be something from the ground up to eight feet for screening.

Mr. Phillips asked how long Mr. Betts had owned the property.

Mr. Betts answered that it had been approximately twenty years.

Mr. Phillips asked Mr. Rankin how long his property had been zoned R-1.

Mr. Rankin replied that his property had been re-zoned residential in about 1975.

Mr. Brown asked if the commercial zoning was in place before the residential zoning.

Mr. Hight asked if there were to be additional homes built on the property.

Mr. Rankin replied that he is buying adjoining property for residential development.

Mr. Voyles cautioned him to be aware that the surrounding properties have commercial zoning.

Mr. Rankin acknowledged that he understood that but he was also told the commercial properties were to be kept clean and would have a buffer. He advised that many of the trees are gone.

Chairman Jackson asked Mr. Betts if he is willing to screen with some landscaping.

Mr. Voyles added that a buffer is required in C-2 zoning.

Mr. Brown wanted to clarify that Mr. Betts was zoned commercial long before Mr. Rankin's property was rezoned residential.

Mr. Voyles confirmed.

There was additional discussion regarding which zoning existed first and what was required of commercial zoning with regard to buffers.

Ms. Roberts formed a motion to allow the applicant's request with a condition that a continuous evergreen screen must be installed on the north and west sides of the property.

Mr. Brown seconded the motion and it passed unanimously.

2. **BOA Case #1420** – Mr. Greg Powell – 3513 Lakeshore Drive – Lot 105, Block 203, Park Hill Addition – To build a front porch that extends 3.5 feet in front of the required 25 foot front building line.

Chairman Jackson stated the case number, the applicant's name and requested that the applicant come before the Board. He also asked for anyone else wanting to speak in this matter. All were sworn in.

Mr. Powell explained that he had resided at the property since 1990 and had previously been granted a variance for a front porch. He is now in the process of a major remodel and would like to extend the porch further.

Wade Dunlap added that staff had considered approving Mr. Powell's request based on the previous authority of the Board but the previous ruling had very specific requirements, therefore staff had decided it would be best for the Board to decide.

Alderwoman Debi Ross was in attendance on Mr. Powell's behalf and added that no neighbors had any objection to Mr. Powell's plans. She stated that the current request would indeed enhance the appearance of the home.

Mr. Brown asked why Mr. Powell had chosen the requested location.

Mr. Powell noted his concerns for interfering with the tree in the yard.

Mr. Brown formed a motion to grant the applicant's request.

Mr. Hight seconded the motion and it passed unanimously.

3. **BOA Case #1421** – Ms. Sherrie Shollmier – 800 West B. Ave – Lot 30 Block 73, Park Hill Addition - To allow a residence to be 11.5 feet closer to the rear property line than the required 25 feet.

Chairman Jackson stated the case number, the applicant's name and requested that the applicant come before the Board. He also asked for anyone else wanting to speak in this matter. There was no one else.

Ms. Shollmier was sworn in by Chairman Jackson. The Chairman asked Ms. Shollmier to state her hardship.

Ms. Shollmier noted the odd shape of her lot and the challenges that presented.

There was extended discussion regarding the size of lots in the area and how the elevations particular to Ms. Shollmier's lot created difficulty in placing the home to consider easy access for her aging parents with health concerns.

Mr. Brown formed a motion to grant the request.

Ms. Roberts seconded his motion and it passed unanimously.

Administrative:

Chairman Jackson advised the Board that it is time to re-elect officers for the Board.

Ms. Roberts formed a motion to re-elect Carl Jackson as Chairman of the Board of Adjustment.

Mr. Phillips seconded the motion and there was no dissent.

Ms. Roberts nominated Mr. Brown to serve as Vice Chairman of the Board and there was no dissent.

Mr. Brown questioned the progress regarding cleaning up Discount Tire. He added that it is a mess and there should be no outside storage allowed. He explained that he had talked to Jim Briley and been assured that Mr. Voyles would address the situation.

Mr. Voyles asked Don Wood of Code Enforcement if he was aware of the complaint.

Mr. Wood replied in the negative.

Mr. Voyles promised to follow up on the situation.

Mr. Phillips asked why there are no “Welcome to North Little Rock” signs as you enter the city from adjacent areas.

Mr. Brown stated that such signs were in place in the Burns Park area. He wanted to welcome the two new members of the Board.

PUBLIC COMMENT/ADJOURNMENT:

Mr. Brown made the motion to adjourn at 2:38 pm and there was no dissent.

PASSED: _____ RESPECTFULLY SUBMITTED:

CARL JACKSON, CHAIRMAN

ROBERT VOYLES, DIRECTOR